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Express Mail Label No.: <u>EV 964287840 US</u> Date of Deposit: <u>December 20, 2006</u>	HOFER GILSON &LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: G. Victor Guyan et al.

Appln. No.: 09/667,611

Filed: September 22, 2000

For: CAPTURE HIGHLY REFINED CLAIM EVALUATION INFORMATION ACROSS MULTIPLE WEB INTERFACES

Attorney Docket No: 10022/219

Examiner: Frenel, Vanel

Art Unit: 3626

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

☒ New Supplemental Appeal Brief (original and 1 copy), Response to Notification of Non-Compliant Appeal Brief.
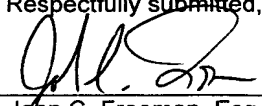
☒ Return Receipt Postcard.

Fee calculation:

☒ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of $_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of $_____ under 37 C.F.R. § 1.17(_____).

☐ An additional filing fee has been calculated as shown below:

	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra		Small Entity		or	Not a Small Entity	
						Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus				x $25=			x $50=	
Indep.		Minus				X100=			x $200=	
First Presentation of Multiple Dep. Claim						+$180=			+ $360=	
						Total	$		Total	$

Fee payment:

☐ A check in the amount of $_____ is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of $_____. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of $_____ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.
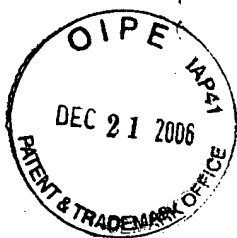
Respectfully submitted,

December 20, 2006
Date

John C. Freeman, Esq. (Reg. No. 34,483)

BRINKS HOFER GILSON & LIONE
NBC Tower – Suite 3600, 455 N. Cityfront Plaza Drive, Chicago, IL 60611-5599

Our Case No. 10022/219

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
G. Victor Guyan et al.)	
)	Examiner: Frenel, Vanel
Serial No. 09/667,611)	
)	Group Art Unit No. 3626
Filing Date: September 22, 2000)	
)	
For CAPTURE HIGHLY REFINED)	
CLAIM EVALUATION)	
INFORMATION ACROSS)	
MULTIPLE WEB INTERFACES)	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On November 20, 2006, a Notification of Non-Compliant Appeal Brief ("the

Notification") was mailed in which it was asserted that Appellants' Supplemental Appeal

Brief filed on September 14, 2006 did not contain a concise explanation of the subject

matter defined in each of the independent claims. The Notification asserted that the

Supplemental Appeal Brief failed to provide a concise explanation by failing to refer "to the

specification by page and line number and to the drawings if any by reference characters."

Appellants traverse the assertion in that the explanation of the independent claims located

at pages 3-13 of Appellants' Supplemental Appeal Brief is concise and does refer to page and line numbers and the drawings.

The Notification also made the assertion "the brief fails to (1) identify, for each independent claim involved in the appeal and for each independent claim argued separately, in this Appeal Brief claims 1, 15 and 29 must be argued separately." Appellants traverse the assertion to the extent that it makes no sense. If the assertion is that claims 1, 15 and 29 must be argued separately, then Appellants traverse the assertion for several reasons. First, claim 1 is argued separately from claims 15 and 29. Second, claims 15 and 29 are argued together in that the patentability of claims 15 and 29 stand or fall together. Furthermore, there is no requirement in the rules or the MPEP that each independent claim in an Appeal Brief be argued separately. Indeed, the discussion in MPEP § 1205.02 regarding the grouping of claims suggests that multiple independent claims can be grouped together in the arguments. If this objection is repeated, Appellants request that a citation to support the objection be provided. If no such citation is provided, Appellants will take that as an admission that the objection has no merit.

Despite the improperness of the objections, a new Supplemental Appeal Brief is being filed concurrently with the present Response so as to replace the Supplemental Appeal Brief filed on September 14, 2006. The new Supplemental Appeal Brief provides several paragraphs at the end of the Summary of the Claimed Subject Matter Section that show examples of each of the recited elements of the independent claims. The new Supplemental Appeal Brief also corrects the claim 1 presented in the September 14th Supplemental Appeal Brief. It is believed that the correction of claim 1 requires a new

Supplemental Appeal Brief to be filed.

Respectfully submitted,

John C. Freeman
Registration No. 34,483
Attorney for Appellants

BRINKS HOFER
 GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

Dated: December 20, 2006

Our Case No. 10022/219

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)
	)
G. Victor Guyan et al.	)
	)
Serial No. 09/667,611	) Examiner: Frenel, Vanel
	)
	) Group Art Unit No. 3626
Filing Date: September 22, 2000	)
	)
For CAPTURE HIGHLY REFINED	)
CLAIM EVALUATION	)
INFORMATION ACROSS	)
MULTIPLE WEB INTERFACES	)

NEW SUPPLEMENTAL APPEAL BRIEF

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Supplemental Appeal Brief replaces the Supplemental Appeal Brief

filed on September 14, 2006 and is in response to the Office Action mailed May

31, 2006 response to which was originally due August 31, 2006[1].

I.   REAL PARTY IN INTEREST

Accenture L.L.P. is the real party of interest in this Appeal pursuant to: 1)

a recorded assignment of the application to Andersen Consulting executed by

both of the inventors and 2) a recorded assignment of the application to

Accenture L.L.P. by Andersen Consulting.

II.   RELATED APPEALS AND INTERFERENCES

There are no other appeals, interferences or other judicial proceedings

that may be related to, would directly affect or be directly affected by or have a

bearing on the Board's decision in the pending Appeal.

---

[1] Appellants filed concurrently with the September 14, 2006 Supplemental Appeal Brief 1) a
Request for Reinstatement of Appeal and 2) a Petition for a one month extension of time to
respond to the Office Action. Since the Request for Reinstatement of Appeal was filed within four
months of the mailing date of the Office Action, the September 14, 2006 Supplemental Appeal
Brief was filed concurrently with the filing of the Request for Reinstatement of Appeal and the
present Supplemental Appeal Brief is being filed within one month of the mailing of the Notification
of Non-Compliant Appeal Brief mailed on November 20, 2006, the present Supplemental Appeal
Brief is timely filed.

III.   STATUS OF CLAIMS

Claims 1-45, all claims presented, are rejected. No claims are allowed, withdrawn, objected to or canceled.

IV.   STATUS OF AMENDMENTS

A Response was filed on September 19, 2005 regarding a Final Office Action mailed on July 18, 2005. A non-Final Office Action was mailed on October 20, 2005, which withdrew the finality of the July 18th Office Action and so the September 19, 2005 has been entered. There have been no subsequent amendments.

V.   SUMMARY OF CLAIMED SUBJECT MATTER

An understanding of the invention of independent claims 1, 15 and 29 can be made upon a review of the embodiments of the invention shown in Figs. 1-6 of the specification. Note that in the description to follow, like elements will employ identical identification numerals.

Fig. 1 shows an embodiment of a computer network 100 that includes personal or workstation computers (such as computers 110 and 120) and system or enterprise computers (such as server 130, system 150, and system 140) (P. 5, II. 18-20). In this scenario, computers are termed client computers, server computers, or system computers (P. 6, II. 1-2). In addition, the terms "client" and "server" are used to refer to a computer's general role as a requestor of data (client) or provider of data (server) (P. 6, II. 3-4).

Insurance host server 130 maintains a database of claim folder information (P. 6, II. 19-20). Claimant client 110 accesses insurance host server 130 to update, enter, or review claim folder information (P. 6, II. 20-21). Claim handler client 120 accesses insurance host server 130 in order to review, evaluate, and/or fulfill claim folder data (P. 6, II. 21-23). Vendor system 150 interconnects to insurance host server 130 through network 100 in order to: receive order placement from insurance host server 130; update database information to insurance host server 130; respond to database access requests from insurance host server 130; and update or respond to

status information from insurance host server 130 (P. 6, l. 23 – P. 7, l. 4).

Insurance back office system 140 interfaces to insurance host server 130 in

order to: receive check requests from insurance host server 130 and

update insurance host server 130 as to the status of checks cut from the

system (P. 7, ll. 4-6).

Fig. 2 shows a computer network containing an insurance host

server 130 and a claimant client 110 (P. 7, ll. 14-15). In this example, a

claimant client 110 is interconnected through network 100 to the insurance

host server 130 (P. 7, ll. 15-16). Insurance host server 130 includes

conventional components, such as processor 235, memory 245, I/O

controller 250, and network interface 260 (P. 8, ll. 6-9).

It will be appreciated that the present invention may be implemented

in software which is stored as executable instructions on a computer

readable medium on the client server and systems, such as mass storage

devices 225 and 255, respectively, or in memories 215 and 245,

respectively (P. 8, ll. 19-22).

Fig. 3 illustrates the hierarchy of the various levels within a claims folder (P. 9, l. 4). Note that an insured is one who is insured by the policy; a claimant is one who is making a claim against the policy (P. 9, ll. 5-6).

Claims folder 300 contains all of the policy information, information about the insured, and information about claims for a given client (P. 9, ll. 11-13). Within a claims folder 300 are one or more policy levels 310 and 320 (P. 9, ll. 13-14). The policy level 320 contains all the information relevant for a given policy (P. 9, ll. 17-18).

Below policy level 320 is insured level 330 (P. 10, l. 1). Insured level 330 contains all information relevant about the insured (P. 10, ll. 1-2).

Below the insured level 330 is the claim level 340 (P. 10, l. 11). The claim level 340 has general information about the claim raised against the policy (P. 10, ll. 11-12). The claim level 340 may include the date of the claim, the nature of the claim, and general information relevant to the type of claim (P. 10, ll. 12-14). A property loss claim may include information about the police report or the nature of the theft (P. 10, ll. 14-15). A medical claim contains information about the general nature of the medical

situation (P. 10, ll. 15-16).

The claimant level 350 is below and within the claim level 340 and has full details about the claimant (P. 10, ll. 17-18). The claimant's name, address, phone numbers, and other general contact information are within this level (P. 10, ll. 18-19).

Below and within the claimant level 350 is the line level 360 which details the various types of claimed damages levied by a particular claimant (P. 11, ll. 3-4). A single claimant might have multiple types of claims that are represented by different lines within the line level (P. 11, ll. 4-7).

Systems and processes operate at the line item level 370 within the line level 360 (P. 11, ll. 8-9). The line item level 370 includes detailed line items, or line item data, for each claim against a particular line in the line level 360 (P. 11, ll. 9-10). For instance, a property theft line claim includes line item data for each piece of property stolen (P. 11, ll. 10-12). The line item data is stored within a line item database (P. 11, ll. 12-13). Line item data fields vary depending on the nature of the item (P. 11, ll. 13-14).

Fig. 4 illustrates the three processes that run inside line item level 370 (P. 11, II. 19). For example, the capture line item data process 410 receives line item data entered by claimant client 110 or claim handler client 120 into the line item database stored in insurance host server 130 (P. 11, II. 19-21).

Fig. 5 illustrates the flow of information between the various clients and servers (P. 12, II. 12-13). Beginning at the top of the figure, a claimant on claimant client 110 operates claimant interface 500 to interact with insurance host server 130 (P. 12, II. 13-14). A claimant on claimant client 110 uses claimant interface 500 to access insurance host server 130 (P. 12, II. 21-22). The claimant accesses the insurance host server 130 after having "tunneled down" a website that was being accessed at one of the higher levels within the claims folder, e.g., from the claim level (P. 13, II. 2-4). Once access from claimant interface 500 to insurance host server 130 is granted, the claimant through claimant interface 500 may enter line items into the line item level database in insurance host server 130, and insurance host server 130 may present various queries to the claimant at

claimant interface 500 to which the claimant gives responses (P. 13, II. 4-8).

Line item data is accessed by claim handler interface 505 from insurance host server 130, and evaluation information is exchanged between claim handler interface 505 and insurance host server 130 (P. 13, II. 15-18).

Fig. 6 illustrates a flowchart of the capture line item data process 410 (P. 14, I. 16). The capture line item data process 410 is generally initiated by a claimant operating on claimant client 110 (P. 14, II. 16-19). The capture line item data process 410 is initiated after the claimant has "tunneled down" to the line item level web screen served by the insurance host server 130 (P. 14, II. 20-22).

The process starts when a claimant elects (step 600) to be taken to an existing claim (P. 15, II. 1-2). When the process is started, the insurance host server 130 serves up a logon screen to claimant interface 500 (P. 15, II. 2-3). The claim interface 500 verifies the claim number and password to insurance host server 130 where insurance host server 130 accesses the claim level database and validates that the claim number and password are

valid (step 606) (P. 15, ll. 8-11).

If the claim number and password are a valid combination, various data from the policy level, insured level, claim level, claimant level, and line level is displayed in a web page served by insurance host server 130 to claimant interface 500 (step 608) (P. 15, ll. 13-15). The data includes items, such as the date of the loss or injury, time of the loss or injury, policy number, Social Security Number of the claimant, the claimant's name, address and phone numbers (P. 15, ll. 15-18).

Should it be determined in step 612 that line item level data for a particular line level has not been previously entered, the claimant client 110 is given the option to enter line item data via a spreadsheet (steps 624; 626; 628; 630 and 632) or via a web-based process (steps 616; 618 and 620) (see Fig. 6). For example, the insurance host server 130 gives the claimant the option of entering his data in FastPath™ format (step 614) (P. 16, ll. 12-13). Fast Path™ is an opportunity for the claimant to upload a blank, but formatted, spreadsheet from insurance host server 130 to claimant client 110 (P. 16, ll. 13-14). Using the Fast Path™ option, the

claimant at claimant client 110 fills in the spreadsheet with all of his line item level data and then uploads the spreadsheet (P. 16, ll. 15-16).

If the user selects the Fast Path™ option, the insurance host server 130 queries the claimant client 110 to determine whether a spreadsheet needs to be downloaded from insurance host server 130 to claimant client 110 (step 624) (P. 16, ll. 19-21). If the claimant client needs the appropriate spreadsheet, the insurance host server 130 determines the appropriate spreadsheet for that type of insurance claim (step 626), and downloads the appropriate spreadsheet to the claimant client 110 (step 628) (P. 17, ll. 3-6). The claimant on claimant client 110 completes the spreadsheet (step 630) and uploads the completed spreadsheet with all of the line item data into insurance host server 130 (step 632) (P. 17, ll. 6-8). This results in the line item data being aggregated and stored in the insurance host server 130 (step 622) (P. 18, ll. 14-15).

If the claimant chooses to not use the FastPath™ option and to use the web-based process option, the insurance host server tunnels down through the item tree (step 616) (P. 17, ll. 9-10). Stored on insurance host

server 130 is a plurality of item trees (P. 17, ll. 10-11). For each different type of insurance, there is a different item tree (P. 17, l. 11). For instance, for property insurance on a theft, the top level of the item tree may display groups such as electronics, jewelry, furniture, appliances, miscellaneous personal property, furnishings, clothing, and additional living expenses (P. 17, ll. 12-14). The insurance host server 130 chooses the appropriate item tree based on the line and displays the top level of that tree in a web page to the claimant via claimant interface 500 (step 616) (P. 17, ll. 18-20).

The claimant tunnels through the tree of line item data until he reaches the line item that he or she wishes to enter (step 618) (P. 17, ll. 21-22). The claimant enters the line item data (step 620) (P. 17, l. 22). Line item data includes detailed information about the line item particular to that item (P. 17, l. 23). For instance, for property insurance, the line item may include data that includes the type of item, the location of the item in the home, how many of the item were stolen, the cost of the item, the year of purchase, the name of the owner, where the item was purchased, and check boxes indicating whether there are any receipts, photos, manuals, or

other documentation that that particular item was actually in the house (P. 18, ll. 1-5). This results in the line item data are aggregated and stored in the insurance host server 130 (step 622) (P. 18, ll. 14-15).

The updated line item level database is displayed in summary form as a web page from insurance host server 130 to claimant interface 500, including the newly entered line item level data (step 634) (P. 18, ll. 16-18). The claimant is able to edit specific line item level data by double clicking on that particular line item (step 636), thereby he or she is taken to the line item data entry screen and allowed to change various features of the line item data in the edit data block (step 640) (P. 18, ll. 18-21). The claimant is given the option to enter more line items (step 638) (P. 18, ll. 21-22). If not, the capture line item data process ends (step 642) (P. 18, l. 22).

With the above summary in mind, claim 1 claims the invention as a method for capturing line item level data by a processing system. The recited method includes receiving claim identification information from a client computer, wherein the claim identification information identifies an insurance claim. An example of such a client computer is client computer 110 of FIGS. 1 and 2 (P. 5,

ll. 18-20, P. 6, ll. 1-4 and 19-23). An example of the recited processing system is

insurance host server 130 of FIGS. 1 and 5 which can perform the receiving

claim identification information from a client computer, wherein the claim

identification information identifies an insurance claim such as shown in FIG. 6

(P. 15, ll. 1-3 and 8-11). The recited method includes "presenting the client

computer with an option to enter line item data regarding the claim through a

web-based process or through a spreadsheet." An example of presenting such

an option is shown in steps 616; 618; 620; 622; 624; 626; 628; 630 and 632 of

FIG. 6 (P. 16, ll. 12-16 and 19-21, P. 17, ll. 3-14, 18-23 and P. 18, ll. 1-5 and 14-

15). The method of claim 1 recites that the following processes are performed

when the spreadsheet option is selected: 1) "querying the client computer to

determine whether a spreadsheet appropriate for the type of insurance claim

needs to be downloaded to the client computer, the spreadsheet receives the

line item data"; 2) "downloading the spreadsheet appropriate for the type of

insurance claim to the client computer"; 3) "inserting line item data into the

spreadsheet appropriate for the type of insurance claim"; 4) "aggregating the line

item data collected from the client computer"; and 5) "storing the line item data in

an insurance host server." Examples of such processes are shown in steps 622; 624; 626; 628; 630 and 632 of FIG. 6 (P. 16, ll. 19-21, P. 17, ll. 3-8 and P. 18, ll. 14-15).

The method of claim 1 recites that the following processes are performed when the web-based process option is selected: 1) "providing the client computer with an item tree of line item data based on the line level"; 2) "aggregating the line item data collected from the client computer"; and 3) "storing the line item data in an insurance host server." Examples of such processes are shown in steps 616; 618; 620 and 622 of FIG. 6 (P. 17, ll. 9-14, 18-23 and P. 18, ll. 1-5 and 14-15).

Claim 15 claims the invention as a system for capturing line item level data that includes a processor for executing programs and a memory for storing a program executable by the processor. An example of such a processor and memory can be found in insurance host server 130 of FIGS. 1 and 5. Claim 15 recites various instructions for the memory to perform. Such processes are similar to those recited in claim 1 and so the examples of processes mentioned

previously with respect to claim 1 apply equally with respect to the instructions performed by the memory of claim 15.

Claim 29 claims the invention as a computer readable medium containing instructions for controlling a computer system to perform a method for capturing line item level data. An example of such a computer readable medium can be found in insurance host server 130 of FIGS. 1 and 5. Claim 29 recites various processes for the computer readable medium to control the computer system to perform. Such processes are similar to those recited in claim 1 and so the examples of processes mentioned previously with respect to claim 1 apply equally with respect to the instructions performed by the memory of claim 29.

There are no means-plus-function terms or step-plus-function terms in independent claims 1, 15, 29 and dependent claims 3-5, 9-12, 17-19, 23-26, 31-33, 37-40 and 43-45, which are argued separately below in Section VII.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The only rejections presented for review are of claims 1-45 as being obvious under 35 U.S.C. § 103(a) in view of Peterson et al., U.S. Patent No.

6,343,271, and Murcko, Jr., U.S. Patent No. 6,578,014.

VII. ARGUMENT

A. Claims 1-6, 13 and 14

Claims 1-6, 13 and 14 were rejected in the Office Action of May 31, 2006

(hereinafter "the Office Action") under 35 U.S.C. §103 as being obvious in view

of Peterson et al. and Murcko, Jr. Appellants traverse the rejection for several

reasons. First, independent claim 1 recites "presenting the client computer with

an option to enter line item data regarding the claim through a web-based

process or through a spreadsheet." The Office Action has conceded that

Peterson et al. fails to disclose this cited process. The Office Action has relied

on the following passages of Murcko, Jr. as disclosing the process:

> There are many commercial software applications
> that can enable the communications required by
> buyer's interface 300 and seller's interface 400, the
> primary functionality being message creation and
> transmission. Qualcomm's Eudora Pro provides tools
> for the creation of messages as well as the routing of
> those messages to the appropriate electronic
> address. When system operator 200 is configured as
> a web server, conventional communications software

such as Microsoft's Internet Explorer web browser may also be used. The buyer and seller may use the Internet Explorer browser to send information to and receive information from the system operator. No proprietary software is required. The system operator can use off-the-shelf software and hardware for its web server, and can create the forms, pages and screens in FIGS. 13-29 and 31-32 as web pages using off-the-shelf software, such as Microsoft Notepad, Netscape Composer, Microsoft FrontPage, Allaire ColdFusion, and other similar products. The web pages are hosted either in-house or by a site hosting service, with the appropriate software.

In another embodiment, telephony or another communication method is used instead of or in addition to a web site.

In a preferred embodiment, buyers and sellers are not able to interact directly and bypass the system. For example, buyers and sellers would not be given each other's contact information such as email addresses and phone numbers, and a seller would be given a buyer's postal mail address only in order to send goods to him/her. In another embodiment, a seller would not be given a buyer's postal mail address; instead, the item would be sent from the seller to the system operator and then from the system operator to the buyer. In another embodiment, buyers and sellers would sometimes be allowed some degree of direct interaction, such when the item provided is a service that requires direct interaction (for example, tax assistance).

In one embodiment, a buyer or a seller can put certain data (especially that data which relates to one's own transactions) in a format easy to copy to other applications (e.g. report writing, or saving as a spreadsheet file or database file).

Referring to FIG. 5a, Items Database 500 maintains data on items that sellers are willing to sell, such as Item ID 502, Buyer ID 504, Seller ID 506. Item 508, Date Item Description Provided 510, Date Item Provided 512, Payment Amount 514, Payment Date 516, Buyer Payments To System ID 518, System Payments To Sellers ID 520, Status 522 and Correspondence 524. In a preferred embodiment, Items Database 500 has one record (row) for each item. Item ID 502 is a unique identifier for the item. Buyer ID 504 stores the numerical ID from Buyers Database 700 corresponding to the buyer for this transaction. Seller ID 506 stores the numerical ID from Sellers Database 600 corresponding to the seller for this transaction. Item 508 stores a description of the item, as it was entered by the seller through Seller Provides Item form 2300 (FIG. 23). If the item is information (as opposed to goods or services), this data may be the actual information the item consists of; or it may be a pointer to the item, such as a web page URL (e.g. http://www.sitename.com/pagename.html) or a book or magazine article (e.g. Business Week, Jan. 1, 1999, p. 100). Date Item Description Provided 510 stores the date on which the data in Item 508 was supplied by the seller. Date Item Provided 512 stores

> the date on which the item was provided by the seller.
> For items which are information, this date will usually
> be the same as Date Item Description Provided 510.
> For goods and services, this date might differ from
> Date Item Description Provided 510. Payment
> Amount 514 stores the amount that the buyer decides
> to pay for the item. Payment Date 516 stores the
> date on which the buyer assigns the
> (Col. 15, l. 60-Col. 16, l. 59)

The above passage is silent as to presenting a client computer with an option to enter line item regarding a claim through a web-based process or through a spreadsheet. The passage is silent as to entering line item data of an insurance claim. The passage is also silent as to entering line item data of an insurance claim via a web-based process. In summary, neither Peterson et al. nor Murcko, Jr. remotely suggests altering Peterson et al. to use the recited "presenting" process. Without such suggestion, the rejection is improper.

The rejection of claim 1 is improper for the additional reason that Peterson et al. does not disclose nor suggest the process of querying a client computer to determine whether a spreadsheet appropriate for a type of insurance claim needs to be downloaded when a spreadsheet option is selected. The Office Action concedes that Peterson et al. does not disclose the recited querying. The

Office Action relies on the following passage of Murcko, Jr. as disclosing the

"querying" process mentioned above:

> Referring to FIG. 28, there is described Top Listings
> page 2800, which exists in some embodiments. This
> displays various rankings of participants, such as: top
> participants, based on some quantitative calculation
> (2802); buyers who have bought the largest number
> of items in the last X days, where X is some
> predefined number, and overall (2804); sellers who
> have sold the largest number of items in the last X
> days, and overall (2806); buyers who have the
> highest average payment (i.e. total payments divided
> by number of items) in the last X days, and overall
> (2808); sellers who have the highest average
> payment in the last X days, and overall (2810); buyers
> who have the highest total payments in the last X
> days, or overall (2812), and sellers who have the
> highest total payments in the last X days, and overall
> (2814). The data displayed on this page is taken
> from Items database 500, Sellers database 600, and
> Buyers database 700, and can be taken from the
> databases using standard SQL queries. FIG. 28 is an
> exemplary illustration, and in some embodiments
> includes other listings such as items which received
> the highest payments, item types which received the
> highest average payments, and newest buyers and
> sellers to join the system. In one embodiment, the
> display differs depending on whether the participant
> was a buyer or a seller. This information could be
> collected automatically from the database, or could

be collected manually by the system operator. This would help educate participants about what types of information receive high payments. In one optional feature of this embodiment, buyers and/or sellers could specify that they don't want their transaction information reveal others in this manner. In one embodiment, the items receiving the highest payments in the last X days, and overall, are displayed. In one embodiment, a participant can view the top listings out of those which meet criteria specified by the participant (for example, top listings by lawyers, or top listings by participants in Virginia).

Referring to FIG. 29, there is described Participant Directory 2900, which exists in some embodiments. The data displayed on this page is taken from Sellers database 600 and Buyers database 700, and can be taken from the databases using standard SQL queries. Different embodiments include different information in this directory; FIG. 29 is an exemplary embodiment. In some embodiments, the directory includes a hierarchical classification system, which is included on the buyer's and seller's registration forms and stored in the database to be queried here. In some embodiments a participant can choose not to be listed here, while in other embodiments the listing is required.

Referring to FIG. 30, there is described one embodiment of the calculation technique used to determine which transactions count toward a buyer's and seller's average payment (which appears as data within the system for other participants to view). In a

> preferred embodiment, D1 (the number of days a
> buyer has after receipt of an item in which to set a
> payment amount) and D2 (the number of days a
> buyer has after setting a payment amount in which to
> make a payment to cover the item) are determined by
> the system operator. In FIG. 30, current date is
> today's date, item date is the date on which the item
> was provided, and payment date is the date on which
> the buyer sets the payment amount for the item. In
> the first row (3002), more than D1 days have not yet
> passed since the item was provided to the buyer, so if
> the buyer hasn't set a payment amount yet, this
> transaction doesn't count toward the buyer's and
> seller's average payments (3010) but if the buyer has
> set a payment amount, this transaction does count
> toward the buyer's and seller's average payments
> (either 3018 or 3026). In the second row
> (Col. 35, ll. 39-Col. 36, l. 36)

The above passage is silent as to querying a client computer to determine

whether a spreadsheet appropriate for a type of insurance claim needs to be

downloaded. Accordingly, neither Peterson et al. nor Murcko, Jr. remotely

suggests altering Peterson et al. to perform the recited "querying" process.

The rejection of claim 1 is improper for the additional reason that Peterson

et al. does not disclose nor suggest the process of providing a client computer

with an item tree of line item data regarding an insurance claim based on a line

level when a web-based process option is selected. The Office Action concedes

that Peterson et al. does not disclose the recited providing. The Office Action

relies on the following passages of Murcko, Jr. as disclosing the "providing"

process mentioned above:

> In a preferred embodiment, this page enables the
> buyer to easily view all of the items he/she has
> received, or any subset of them, at once. For
> example, the buyer could view all the items that
> he/she has received and has paid for, all the items
> that he/she has received and has assigned a
> payment amount for but not yet paid for, or all the
> items that he/she has received and hasn't yet
> assigned a payment for.
>
> In one embodiment, this page shows the buyer
> his/her average payment and the average payment
> for the whole network. In another embodiment, this
> page also shows the buyer his/her average payment
> to each seller he/she transacted with and the overall
> average payments for those sellers. In another
> embodiment, this page also shows the buyer his/her
> average payment for each item type for those items
> he/she received and the overall average payments for
> those item types.
>
> ****
>
> d. research, fact checking, survey completion e.
> consulting, contract work f. new product names g. any
> type of activity that is companies often outsource h.

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> product buyers might want to purchase i. anything
> that people often have trouble finding (i.e. lead
> generation, affiliate programs, and big-ticket items like
> houses, apartments, or cars)
>
> Each of the above types of "items-available"
> template forms has some required fields and/or some
> optional fields and/or a place where sellers can add
> fields of their own. Each seller can fill in whichever
> ones are appropriate. The information entered could
> be stored as a separate table in Items database 500,
> Sellers database 600, or another database.   (Col.
> 30, ll. 25-40 and Col. 31, ll. 54-67)

The above passage is silent as to querying a client computer to determine

whether a spreadsheet appropriate for a type of insurance claim needs to be

downloaded. Accordingly, neither Peterson et al. nor Murcko, Jr. remotely

suggests altering Peterson et al. to perform the recited "querying" process.

Accordingly, the rejection is improper and should be withdrawn.

For the above reasons, the rejection of claim 1 is improper and should be

withdrawn. Claims 2-6, 13 and 14 depend directly or indirectly on claim 1 and so

their rejections should be withdrawn for the same reasons stated above with

respect to claim 1.

B. Claim 7

Claim 7 was rejected in the Office Action under 35 U.S.C. §103 as being obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse the rejection for several reasons. First, claim 7 depends indirectly on claim 1 and so is patentable over Peterson et al. and Murcko, Jr. for at least the same reasons given in Section VII.A. on pages 17-25 above as to why claim 1 is patentable over the references.

The rejection is improper for the additional reason that there is no motivation in either Peterson et al. or Murcko, Jr. to aggregate line item data when a spreadsheet option is selected. The Office Action has conceded that Peterson et al. does not perform the recited aggregating of line item data. The Office Action has relied on a passage at Column 15, l. 60 to Column 16, l. 59 of Murcko, Jr. as suggesting having Peterson et al. to perform the recited aggregating of line item data. The passage of Murcko, Jr. is given above in Section VII.A and is silent regarding performing aggregating line item data.

Since Murcko, Jr. does not suggest altering Peterson to perform the recited aggregating of line item data, the rejection is improper and should be withdrawn.

C.   Claim 8

Claim 8 was rejected in the Office Action under 35 U.S.C. §103 as being obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse the rejection for several reasons. First, claim 8 depends indirectly on claim 1 and so is patentable over Peterson et al. and Murcko, Jr. for at least the same reasons given in Section VII.A. on pages 17-25 above as to why claim 1 is patentable over the references.

The rejection is improper for the additional reason that there is no motivation in either Peterson et al. or Murcko, Jr. to upload a spreadsheet to an insurance host server when a spreadsheet option is selected. The Office Action asserts that a passage at Column 14, ll. 8-25 of Peterson et al. discloses uploading a spreadsheet to an insurance server. The passage is given below:

> In embodiments of the invention that include payment
> tracking system 26 illustrated in FIG. 1, the health
> care provider may monitor the payment status of the
> submitted claim. According to one implementation,
> access terminals 30 of FIG. 2 or other appropriately

> configured computer may be further used to access
> payment information. Moreover, software may be
> provided on access terminals 30 for permitting the
> health care providers to access the desired payment
> information. As discussed below, such software may
> comprise a web browser if the payment system is
> accessed via the Internet. Such software will typically
> connect to another system, such as central system
> 140 of FIG. 9 discussed below, to perform the
> functions of the payment tracking system. Thus, in
> some embodiments a traditional client/server
> architecture may be used. FIG. 8 depicts selected
> choices presented to the health care provider by a
> representative example of the payment tracking
> system and the user interface generated thereby.
> (Col. 14, ll. 8-25)

The above passage is silent regarding uploading a spreadsheet to an insurance

host server. Since Murcko, Jr. does not suggest altering Peterson to perform the

recited uploading of a spreadsheet, the rejection is improper and should be

withdrawn.

D.   Claims 9 and 11

Claims 9 and 11 were rejected in the Office Action under 35 U.S.C. §103

as being obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse

the rejection for several reasons. First, claim 9 depends indirectly on claim 1 and

so is patentable over Peterson et al. and Murcko, Jr. for at least the same

reasons given in Section VII.A. on pages 17-25 above as to why claim 1 is

patentable over the references.

The rejection is improper for the additional reason that there is no

motivation in either Peterson et al. or Murcko, Jr. to display an item tree of line

item data of an insurance claim based on the line level when a web-based

process option is selected. The Office Action has conceded that Peterson et al.

does not disclose such displaying. The Office Action asserted that Murcko, Jr.

discloses displaying an item tree when a web-based option is selected at column

15, line 60 to column 16, line 59. That passage is presented above in Section

VII.A on pages 17-20. A review of the passage reveals that there is no mention

of selecting a web-based process for entering line item data for an insurance

claim. Furthermore, the passage does not mention displaying an item tree of a

line item. Since Murcko, Jr. does not suggest altering Peterson et al. to display

an item tree of line item data of an insurance claims based on the line level when

a web-based process option is selected, the rejection is improper and should be

withdrawn.

Claim 11 depends directly on claim 9 and so its rejection should be withdrawn for the same reasons stated above with respect to claim 9.

E.   Claim 10

Claim 10 was rejected in the Office Action under 35 U.S.C. §103 as being obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse the rejection for several reasons. First, claim 10 depends directly on claim 9 and so is patentable over Peterson et al. and Murcko, Jr. for at least the same reasons given in Section VII.A. on pages 17-25 above as to why claim 9 is patentable over the references.

The rejection is improper for the additional reason that there is no motivation in either Peterson et al. or Murcko, Jr. to tunnel through an item tree of line item data of an insurance claim when a web-based process option is selected. The Office Action has conceded that Peterson et al. does not disclose such tunneling. The Office Action has asserted that Murcko, Jr. discloses the recited tunneling at column 15, line 60 to column 16, line 59. That passage is presented above in Section VII.A. on pages 17-20 and does not mention either selecting a web-based process for entering line item data for an insurance claim

or tunneling through an item tree. Since Murcko, Jr. does not suggest altering Peterson et al. to tunnel through an item tree of line item data of an insurance claim when a web-based process option is selected, the rejection is improper and should be withdrawn.

F.   Claim 12

Claim 12 was rejected in the Office Action under 35 U.S.C. §103 as being obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse the rejection for several reasons. First, claim 12 depends directly on claim 1 and so is patentable over Peterson et al. and Murcko, Jr. for at least the same reasons given in Section VII.A. on pages 17-25 above as to why claim 1 is patentable over the references.

The rejection is improper for the additional reason that there is no motivation in either Peterson et al. or Murcko, Jr. to display line items based on claimant's selected line items claim when a web-based process option is selected. The Office Action has conceded that Peterson et al. does not disclose such tunneling. The Office Action has asserted that Murcko, Jr. discloses the recited tunneling at column 15, line 60 to column 16, line 59. That passage is

presented above in Section VII.A on pages 17-20 and does not mention

selecting a web-based process for entering line item data for an insurance claim

or tunneling through the item tree. Since Murcko, Jr. does not suggest altering

Peterson et al. to tunnel through an item tree of line item data of an insurance

claim when a web-based process option is selected, the rejection is improper

and should be withdrawn.

G.   Claim 43

Claim 43 was rejected in the Office Action under 35 U.S.C. §103 as being

obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse the

rejection for several reasons. First, claim 43 depends directly on claim 1 and so

is patentable over Peterson et al. and Murcko, Jr. for at least the same reasons

given in Section VII.A. on pages 17-25 above as to why claim 1 is patentable

over the references.

The rejection is improper for the additional reason that there is no

motivation for Peterson et al. to note whether a client computer has a particular

spreadsheet. The Office Action has conceded that Peterson et al. does not

disclose the claimed process of claim 43. The Office Action asserts that Murcko,

Jr. suggests altering Peterson et al. to use the process of claim 43. The Office

Action has relied on two passages of Murcko, Jr. as suggesting having Patterson

et al. note whether a client computer has a particular spreadsheet. The

passages are given below:

> Referring to FIG. 7a, Buyers database 700 maintains
> data on individuals, companies and other entities
> which are or want to be buyers, such as Buyer ID
> 702, Company Name 704, Web Site URL 706, First
> Name 708, Last Name 710, User Name 712,
> Password 714, Phone 716, Email 718, Address 720,
> City/State 722, Zip 724, Country 726, Date/Time
> Joined 727, Balance 728, Preferences 730,
> Comments 732, and Seller ID 734. In a preferred
> embodiment, Buyers database 700 has one record
> (row) for each buyer. Buyer ID 702 is a unique
> identifier for the buyer. Company Name 704 stores
> the name of the company if the buyer is a company,
> otherwise it is blank. Web Site URL 706 is the URL
> for the home page of the company's web site if the
> company has a web site, otherwise it is blank. First
> Name 708 stores the first name of the buyer, or the
> first name of the primary contact person if the buyer is
> a company. Last Name 710 stores the last name of
> the buyer, or the last name of the primary contact
> person if the buyer is a company. User Name 712
> stores the name by which the buyer will be identified
> throughout the system. Password 714 stores the
> password which the buyer will use to gain access to
> areas which are password-protected and areas which

require authenticated identification. Phone 716
stores the phone number of the buyer. Email 718
stores the email address of the buyer. Address 720
stores the address of the buyer (e.g. 123 Main
Street). City/State 722 stores the city and state of the
buyer. Zip 724 stores the zip code of the buyer.
Country 726 stores the country of the buyer.
Date/Time Joined 727 stores the date and time when
the buyer joined the system. Balance 728 stores the
current balance of the buyer, if the total payments the
buyer has made to the system operator exceed the
amounts the buyer has paid for items he/she
purchased. Preferences 730 stores the buyer's
preferences about the various settings within the
system which the buyer has full or partial control over,
such as the format in which various information is
displayed. Comments 732 stores any comments that
the system operator enters about the buyer. Seller ID
734 stores the same number as the Seller ID 602 if
the buyer also happens to be a seller, which is
permitted in a preferred embodiment.

In various embodiments, some of this information is
stored on buyer's interface 300, such as through a
text file, database file or a "cookies" file.

Referring to FIG. 7b, in various embodiments, some information is stored in this database in addition to that shown in FIG. 7a. Here are some examples of additional data which exist in some embodiments and which could be stored in this database (note that for numbered drawing elements which appear in both FIG. 7a and FIG. 7b, the numbers refer to the same elements in both):

* * *

There are many commercial software applications that can enable the communications required by buyer's interface 300 and seller's interface 400, the primary functionality being message creation and transmission. Qualcomm's Eudora Pro provides tools for the creation of messages as well as the routing of those messages to the appropriate electronic address. When system operator 200 is configured as a web server, conventional communications software such as Microsoft's Internet Explorer web browser may also be used. The buyer and seller may use the Internet Explorer browser to send information to and receive information from the system operator. No proprietary software is required. The system operator can use off-the-shelf software and hardware for its web server, and can create the forms, pages and screens in FIGS. 13-29 and 31-32 as web pages using off-the-shelf software, such as Microsoft Notepad, Netscape Composer, Microsoft FrontPage, Allaire ColdFusion, and other similar products. The web pages are hosted either in-house or by a site hosting service, with the appropriate software.

In another embodiment, telephony or another
communication method is used instead of or in
addition to a web site.

In a preferred embodiment, buyers and sellers are not
able to interact directly and bypass the system. For
example, buyers and sellers would not be given each
other's contact information such as email addresses
and phone numbers, and a seller would be given a
buyer's postal mail address only in order to send
goods to him/her. In another embodiment, a seller
would not be given a buyer's postal mail address;
instead, the item would be sent from the seller to the
system operator and then from the system operator to
the buyer. In another embodiment, buyers and
sellers would sometimes be allowed some degree of
direct interaction, such when the item provided is a
service that requires direct interaction (for example,
tax assistance).

In one embodiment, a buyer or a seller can put
certain data (especially that data which relates to
one's own transactions) in a format easy to copy to
other applications (e.g. report writing, or saving as a
spreadsheet file or database file).
(Col. 19, l. 35 – Col. 20, l. 14 and Col. 15, l. 60-Col.
16, l. 31)

While the above passages briefly mention storing information in a "cookie file"

(Col. 18, ll. 14-16) the passages are silent as to querying a client computer to

determine if a spreadsheet is appropriate for an insurance claim by checking a cookie. Furthermore, the passages are silent as to identifying whether a client computer has a particular spreadsheet. Accordingly, Murcko, Jr. al. does not suggest altering Peterson et al. to employ the process of claim 43. For the above reasons, the rejection of claim 43 is improper and should be withdrawn.

H.   Claims 15-20, 27-34, 41 and 42

Claims 15-20, 27-34, 41 and 42 were rejected in the Office Action under 35 U.S.C. §103 as being obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse the rejection for several reasons. First, independent claims 15 and 29 recite either a memory for storing a program (claim 15) or a computer readable medium (claim 29) that contains instructions for "presenting the client computer with an option to enter line item data regarding the claim through a web-based process or through a spreadsheet." The recited "presenting" process is identical to the "processing" process recited in claim 1. Accordingly, Peterson et al. fails to disclose a program that includes instructions for the cited "presenting" process for reasons similar to those given in Section VII.A. on pages

17-25 above.

Murcko, Jr. does not cure the deficiencies of Peterson et al. in that Murcko, Jr. does not disclose nor suggest altering a stored program in Peterson et al. so that instructions for presenting an option for entering line item data regarding an insurance claim via either a spreadsheet or a web-based process are used. Without such suggestion, the rejections are improper.

The rejections of claims 15 and 29 are improper for the additional reason that Peterson et al. does not disclose or suggest a stored program or a computer readable medium that includes instructions for querying a client computer to determine whether a spreadsheet appropriate for a type of insurance claim needs to be downloaded when a spreadsheet option is selected. The recited "querying" process is identical to the "querying" process recited in claim 1. Accordingly, Peterson et al. fails to disclose a program that includes instructions for the cited "presenting" process for reasons similar to those given in Section VII.A. on pages 17-25 above.

Murcko, Jr. does not cure the deficiencies of Peterson et al. in that Murcko, Jr. does not disclose nor suggest altering a stored program or a

computer readable medium in Peterson et al. so as to present instructions for querying a client computer to determine whether a spreadsheet appropriate for a type of insurance claim needs to be downloaded. Without such suggestion, the rejection is improper and should be withdrawn.

The rejections of claims 15 and 29 are improper for the additional reason that Peterson et al. does not disclose or suggest a stored program or a computer readable medium that includes instructions for providing a client computer with an item tree of line item data regarding an insurance claim when a web-based process option is selected. The recited "providing" process is identical to the "providing" process recited in claim 1. Accordingly, Peterson et al. fails to disclose a program that includes instructions for the cited "providing" process for reasons similar to those given above in Section VII.A. on pages 17-25.

Murcko, Jr. does not cure the deficiencies of Peterson et al. in that Murcko, Jr. does not disclose nor suggest altering a stored program or a computer readable medium in Peterson et al. so as to present instructions for providing a client computer with an item tree of line item data regarding an insurance claim when a web-based process option is selected. Without such

suggestion, the rejection is improper and should be withdrawn.

For the above reasons, the rejection of claims 15 and 29 are improper and should be withdrawn. Claims 16-20, 27, 28, 30-34, 41 and 42 depend directly or indirectly on claims 15 and 29 and so their rejections should be withdrawn for the same reasons stated above with respect to claims 15 and 29.

I.   Claims 21 and 35

Claims 21 and 35 were rejected in the Office Action under 35 U.S.C. §103 as being obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse the rejection for several reasons. First, claims 21 and 35 depend indirectly on claims 15 and 29, respectively, and so are patentable over Peterson et al. and Murcko, Jr. for at least the same reasons given in Section VII.H. on pages 37-40 above as to why claims 15 and 29 are patentable over the references.

The rejection is improper for the additional reason that there is no motivation in either Peterson et al. or Murcko, Jr. have a program with instructions for aggregating line item data in a spreadsheet when a spreadsheet option is selected. The recited "aggregating" process is identical to the "aggregating" process recited in claim 7. Accordingly, the rejection is improper

for reasons similar to those given in Section VII.B. on pages 26-27 above

J. Claims 22 and 36

Claims 22 and 36 were rejected in the Office Action under 35 U.S.C. §103 as being obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse the rejection for several reasons. First, claims 22 and 36 depend indirectly on claims 15 and 29, respectively, and so are patentable over Peterson et al. and Murcko, Jr. for at least the same reasons given in Section VII.H. on pages 37-40 above as to why claims 15 and 29 are patentable over the references.

The rejection is improper for the additional reason that there is no motivation in either Peterson et al. or Murcko, Jr. have a program with instructions for uploading a spreadsheet to an insurance host server when a spreadsheet option is selected. The recited "uploading" process is identical to the "uploading" process recited in claim 8. Accordingly, the rejection is improper for reasons similar to those given above in Section VII.C. on pages 27-28 above.

K. Claims 23, 25, 37 and 39

Claims 23, 25, 37 and 39 were rejected in the Office Action under 35 U.S.C. §103 as being obvious in view of Peterson et al. and Murcko, Jr.

Appellants traverse the rejection for several reasons. First, claims 23 and 37 depend directly on claims 15 and 29, respectively, and so are patentable over Peterson et al. and Murcko, Jr. for at least the same reasons given in Section VII.H. on pages 37-40 above as to why claims 15 and 29 are patentable over the references.

The rejection is improper for the additional reason that there is no motivation in either Peterson et al. or Murcko, Jr. to have a program with instructions for displaying an item tree of line item data of an insurance claim based on the line level when a web-based process option is selected. The recited "displaying" process is identical to the "displaying" process recited in claim 9. Accordingly, the rejection is improper for reasons similar to those given above in Section VII.D. on pages 28-30 above.

Claims 25 and 39 depend directly on claims 23 and 37, directly, and so their rejections should be withdrawn for the same reasons stated above with respect to claims 23 and 37.

L.　Claims 24 and 38

Claims 24 and 38 were rejected in the Office Action under 35 U.S.C. §103 as being obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse the rejection for several reasons. First, claims 24 and 38 depend directly on claims 23 and 37, respectively, and so is patentable over Peterson et al. and Murcko, Jr. for at least the same reasons given in Section VII.K. on pages 41-42 above as to why claims 23 and 37 are patentable over the references.

The rejection is improper for the additional reason that there is no motivation in either Peterson et al. or Murcko, Jr. to have a program with instructions for tunneling through the item tree of line item data of an insurance claim when a web-based process option is selected. The recited "tunneling" process is identical to the "tunneling" process recited in claim 10. Accordingly, the rejection is improper for reasons similar to those given above in Section VII.E. on pages 30-31 above.

M.　Claims 26 and 40

Claims 26 and 40 were rejected in the Office Action under 35 U.S.C. §103 as being obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse

the rejection for several reasons. First, claims 26 and 40 depend directly on claims 15 and 29, respectively, and so are patentable over Peterson et al. and Murcko, Jr. for at least the same reasons given in Section VII.H. on pages 37-40 above as to why claims 15 and 29 are patentable over the references.

The rejection is improper for the additional reason that there is no motivation in either Peterson et al. or Murcko, Jr. to have a program with instructions for displaying line items based on claimant's selected line items claim when a web-based process option is selected. The recited "displaying" process is identical to the "displaying" process recited in claim 12. Accordingly, the rejection is improper for reasons similar to those given above in Section VII.F. on pages 31-32 above.

N.   Claims 44 and 45

Claims 44 and 45 were rejected in the Office Action under 35 U.S.C. §103 as being obvious in view of Peterson et al. and Murcko, Jr. Appellants traverse the rejection for several reasons. First, claims 44 and 45 depend directly on claims 15 and 29, respectively, and so are patentable over Peterson et al. and Murcko, Jr. for at least the same reasons given in Section VII.H. on
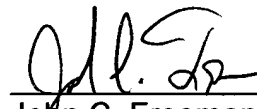
pages 37-40 above as to why claims 15 and 29 are patentable over the references.

The rejection is improper for the additional reason that there is no motivation in either Peterson et al. or Murcko, Jr. to have a program with instructions for checking a cookie and noting whether a client computer has a particular spreadsheet in the manner recited in the claims. The recited "checking" and "noting" processes are identical to the "checking" and "noting" processes recited in claim 43. Accordingly, the rejection is improper for reasons similar to those given above in Section VII.G. on pages 32-37 above.

For the reasons give above, Appellants respectfully submit that the

rejections should be withdrawn and the claims should be allowed.

Respectfully submitted,

John C. Freeman
Registration No. 34,483
Attorney for Appellants

BRINKS HOFER
 GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

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VIII. CLAIMS APPENDIX

1. A method for capturing line item by a data processing system, comprising:

receiving claim identification information from a client computer, said claim identification information identifying an insurance claim;

presenting the client computer with an option to enter line item data regarding the claim through a web-based process or through a spreadsheet;

when the spreadsheet option is selected:

querying the client computer to determine whether a spreadsheet appropriate for the type of insurance claim needs to be downloaded to the client computer, the spreadsheet receives the line item data;

downloading the spreadsheet appropriate for the type of insurance claim to the client computer;

inserting line item data into the spreadsheet appropriate for the type of insurance claim;

aggregating the line item data collected from the client

computer;

storing the line item data in an insurance host server; and

when the web-based process option is selected:

providing the client computer with an item tree of line item

data based on the line level;

aggregating the line item data collected from the client

computer; and

storing the line item data in an insurance host server.

2.   The method of claim 1, wherein the receiving claim identification

information further includes receiving a claim number.

3.   The method of claim 2, wherein the receiving claim identification

information, further includes receiving a password.

4.   The method of claim 3, wherein the receiving claim identification

information, further includes validating the password and the claim number.

5.   The method of claim 1, wherein the receiving claim identification information further includes issuing a fraud warning.

6.   The method of claim 1, further comprising receiving information into the spreadsheet when the spreadsheet option is selected.

7.   The method of claim 6, wherein the aggregating comprises aggregating line item data in the spreadsheet when the spreadsheet option is selected.

8.   The method of claim 6, wherein the aggregating further comprises uploading the spreadsheet to the insurance host server when the spreadsheet option is selected.

9.   The method of claim 1, wherein the providing comprises displaying an item tree of line item data based on the line level when the web-based process option is selected.

10.   The method of claim 9, wherein the providing further comprises tunneling through the item tree when the web-based process option is selected.

11.   The method of claim 9, wherein the providing further comprises receiving a selection of line item data from the item tree when the web-based process option is selected.

12.   The method of claim 1, wherein the aggregating comprises updating a display of line items based on claimant's selected line items when the web-based process option is selected.

13.   The method of claim 1, further comprising updating a display of aggregated line item data from the insurance host server when either the spreadsheet or the web-based process option is selected.

14.   The method of claim 1, further comprising editing a listing of aggregated line item data from the insurance host server when either the spreadsheet or the web-based process option is selected.

15.   A system for capturing line item data, comprising:

        a processor for executing programs; and

a memory for storing a program executable by the processor, the stored program including instructions for:

(i)   receiving claim identification information from a client computer, said claim identification information comprising, a line level identifying an insurance claim;

(ii)   presenting the client computer with an option to enter line item data regarding the claim through a web-based process or through a spreadsheet;

(iii)   when the web-based process option is selected:

(a) providing the client computer with an item tree of line item data based on a line level; and

(b) aggregating the line item data collected from the client computer;

(iv)   when the spreadsheet option is selected:

(a)   querying the client computer to determine whether a spreadsheet appropriate for the type of insurance claim needs to be downloaded;

(b)   downloading the spreadsheet appropriate for the insurance claim;

(c)   inserting line item data into the spreadsheet appropriate for the type of insurance claim;

(d)   aggregating the line item data collected from the client computer, and

(v)   storing the line item data in an insurance host server when either the spreadsheet or the web-based process option is selected.

16.   The system of claim 15, wherein the receiving claim identification information includes receiving a claim number from the client computer.

17.   The system of claim 16, wherein the receiving claim identification information includes receiving a password from the client computer.

18.   The system of claim 17, wherein the receiving claim identification information includes validating the password and claim number.

19.   The system of claim 15, wherein the receiving claim identification information includes issuing a fraud warning.

20.   The system of claim 15, further comprising receiving information into the spreadsheet when the spreadsheet option is selected.

21.   The system of claim 20, wherein the aggregating the line item data includes aggregating line item data in the spreadsheet when the spreadsheet option is selected.

22.   The system of claim 20, wherein the aggregating the line item data includes uploading the spreadsheet to the insurance host server when the spreadsheet option is selected.

23.   The system of claim 15, wherein providing includes displaying an item tree of line item data based on the line level when the web-based process option is selected.

24.   The system of claim 23, wherein the providing includes tunneling through the item tree when the web-based process option is selected.

25.   The system of claim 23, wherein the providing includes receiving a selection of a line item data from the item tree when the web-based process option is selected.

26.   The system of claim 15, wherein the aggregating the line item data includes updating a display of line items based on a claimant's selected line items when the web-based process is selected.

27.   The system of claim 15, wherein the stored program further includes instructions for updating a display of aggregated line item data from the insurance host server.

28.   The system of claim 15, wherein the stored program further includes instructions for editing a listing of aggregated line item data from the insurance host server.

29.   A computer readable medium containing instructions for controlling a computer system to perform a method for capturing line item data, the method comprising:

receiving claim identification information from a client computer,

said claim identification information comprising a line level identifying an

insurance claim;

presenting the client computer with an option to enter line item data

through a web-based process or through a spreadsheet:

when the spreadsheet option is selected:

querying the client computer to determine whether a

spreadsheet appropriate for the type of insurance claim needs to be downloaded

to the client computer;

downloading the appropriate spreadsheet to the client

computer; inserting line item data into the spreadsheet appropriate for the type of

insurance claim;

aggregating the line item data collected from the client

computer;

storing the line item data in an insurance host server; and

when the web-based process is selected:

providing the client computer with an item tree of line item

level data based on a line level;

aggregating the line item data collected from the client

computer; and

storing the line item data in an insurance host server.

30.   The computer readable medium of claim 29, wherein the receiving

claim identification information includes receiving a claim number from the client

computer.

31.   The computer readable medium of claim 30, wherein the receiving

claim identification information, further includes receiving a password from the

client computer.

32.   The computer readable medium of claim 31, wherein the receiving

claim identification information, further includes the validating the password and

the claim number.

33.   The computer readable medium of claim 29, wherein the receiving claim identification information, further includes issuing a fraud warning.

34.   The computer readable medium of claim 29, further comprising receiving information into the spreadsheet when the spreadsheet option is selected.

35.   The computer readable medium of claim 29, wherein the aggregating comprises aggregating line item data in the spreadsheet when the spreadsheet option is selected.

36.   The computer readable medium of claim 29, wherein the aggregating comprises uploading the spreadsheet to the insurance host server when the spreadsheet option is selected.

37.   The computer readable medium of claim 29, wherein the providing comprises displaying an item tree of line item data based on the line level when the web-based process option is selected.

38.   The computer readable medium of claim 37, wherein the providing further comprises tunneling through the item tree when the web-based process option is selected.

39.   The computer readable medium of claim 37, wherein the providing further comprises receiving a selection of a line item data from the item tree when the web-based process option is selected.

40.   The computer readable medium of claim 29, wherein the providing comprises updating a display of line items based on a claimant's selected line items when the web-based process option is selected.

41.   The computer readable medium of claim 29, further comprising updating a display of aggregated line item data from the insurance host server.

42.   The computer readable medium of claim 29, further comprising editing a listing of aggregated line item data from the insurance host server.

43.   The method of claim 1, wherein the querying performed when the spreadsheet option is selected comprises:

checking a cookie on the client computer; and

noting whether the client computer has a particular spreadsheet.

44.   The system of claim 15, wherein the querying performed when the spreadsheet option is selected comprises instructions for:

checking a cookie on the client computer; and

noting whether the client computer has a particular spreadsheet.

45.   The computer readable medium of claim 29, wherein the querying performed when the spreadsheet option is selected comprises:

checking a cookie on the client computer; and

noting whether the client computer has a particular spreadsheet.

IX. **EVIDENCE APPENDIX**

None.

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X.   RELATED PROCEEDINGS APPENDIX

None.